

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT**

<b>CONFEDERACION HIPICA DE PUERTO RICO; CAMARERO RACE TRACK CORP.</b> APPELLEES  v.  <b>CONFEDERACION DE JINETES PERTORRIQUEÑOS, INC.; ET. ALS.</b> APPELLANTS	<b>CASE No.: 19-2201</b>
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**SECOND AMMENDED NOTICE OF APPEAL**

COMES NOW Appellants Confederación de Jinetes Puertorriqueños, Inc. (CJP) and its individual members Abner Adorno, Carlos Quiñones, Cindy Soto, David Rosaro, Edwin Castro, Héctor Berríos, Héctor Rivera, Jomar García, Kennel Pellot, Luis Negrón, Pedro González, Sasha Ortiz, Steven Fret, Miguel A. Sánchez; others who have been served; and without submitting themselves to the Court's Jurisdiction, their respective wives and conjugal partnerships, represented by undersigned attorneys, who respectfully state, allege and pray as follows:

1. The referenced cause of action was filed and is pending before this Honorable Court of Appeals for the First Circuit. Briefing notice was originally issued on **February 28, 2020**. However, due to several pending procedural issues and the state of emergency declared due to the COVID-19 virus, the date for the filling of Appellants' brief was stayed and tolled.

2. Also, and against Appellants' best wishes, the mediation hearing ordered in this case was canceled by the Honorable Mediator's Office upon Plaintiff Camarero's rejection of said procedure.

3. Appellants respectfully informed this Honorable Court of Appeals for the First Circuit, that a post Judgment **Rule 59(E)** motion for dismissal was filed by CJP (**Dockets 309 and 310**), that it was pending to be entertained. Said motion was resolved and DENIED by the Honorable District Court on **October 5, 2020 (Docket 329)**.

4. Appellants also informed this Honorable Court of Appeals that they filed a Motion for Reconsideration (**Docket 330**), as to the referenced Opinion and Order issued by the District Court regarding said denial. The Motion for Reconsideration was opposed by Appellees (**Docket 331**), and Denied by the Honorable District Court on **October 28, 2020 (Docket 332)**.

5. Appellants respectfully believe that the Honorable District Court erred in its appreciation of the facts and the law, not only as to its Opinion and Order issued on **September 30, 2019**, but also as to the determination denying the **Rule 59 (E)** motion submitted by Appellants (**Docket 310**). Said motion was brought before the District Court to alert as to the lack of jurisdiction of the District Court upon the herein Defendants' wives and conjugal partnerships constituted by them. This, because they were included as Defendants in this action, but were never served pursuant to law.

6. Also, and part of Appellants request to the District Court, they raised an issue regarding the standing of the improperly named Asociación de Jinetes de Puerto Rico, Inc., to enter into an agreement with Appellees, because of the fact that they knew or should have known said entity was not the correct entity upon who the complaint in the case was filed. This, because Appellants believe that only by naming the proper defendant in a complaint is the proper means by which a plaintiff confers personal jurisdiction over a Defendant.

7. For the above stated reasons, NOTICE is hereby given that the above mentioned Defendants intend to challenge and hereby appeal to the United States Court of Appeals for the First Circuit, from the amended judgment entered upon by the District Court, on **December 4, 2019 (Docket 306)**, as well as for the Opinion and Order issued on **October 5<sup>th</sup>, 2020**, DENYING the **Rule 59 (E) Motion (Docket 329)** and the request for reconsideration on **October 28, 2020 (Docket 332)**.

**WHEREFORE**, it is most respectfully requested the relief sought herein be granted and the corresponding schedule is set for the case, with such other and further relief as this Court may deem just and proper.

**RESPECTFULLY SUBMITTED,**

In San Juan, Puerto Rico, this 12<sup>th</sup> day of November, 2020.

By: /s/ **AXEL VIZCARRA-PELLOT**  
**#1191892**

By: /s/ **PETER JOHN PORRATA**  
**#45129**

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**CERTIFICATE OF SERVICE**

**WE HEREBY CERTIFY** that on this same date the appearing Defendants electronically filed the foregoing motion in the Clerk's Office of this Court by means of the **CM/ECF**, and notified of such to all of the Attorneys who have filed an appearance in the above captioned cause of action.

By: /s/ **AXEL VIZCARRA-PELLOT**

By: /s/ **PETER JOHN PORRATA**